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Law Schools Urge Graduates to Start Small and Think Local

By Greg Winter

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Life for the partners of Cates, Katalinic & Lund holds little of the glamour one might expect from a career in law. Instead of lunches at Lutèce, they caucus at the Palace Diner in Queens. Wooing clients means passing out fliers on street corners, not securing box seats at Madison Square Garden. To make ends meet, one partner stacks pipe and cleans the yard at a plumbing warehouse. Another handles urine samples in a hospital lab. A sign of failure, of a feeble economy, perhaps? Hardly. They are heeding the call of a growing pool of law schools, which are for the first time pointing graduates in a new direction and teaching them how to get there. Forget the lure of large firms, the security of a government post. Here is how to grapple "in the service of justice," as many of the schools put it, instead.

Convinced that corporate largess and government programs barely dent the nation's legal needs, the law schools are urging graduates to buck tradition, pass up big salaries and ignore mushrooming student debt to join tiny neighborhood practices or simply start their own, all with an eye toward charging no more than their clients can afford.

This is not pro bono legal work; it is "low bono," a term the schools coined to define the atypical kind of law career they are training students for. While its practitioners do charge for their services, they are also dead set on turning no one away — or at least as few as possible.

"When you go into this kind of social justice law, it's really brutal and you're almost guaranteed to struggle for a couple of years before there's a light at the end of the tunnel," said Fred Rooney, director of the Community Legal Resource Network at City University of New York School of Law, from which the lawyers of the newly formed Cates, Katalinic & Lund graduated last May. "But if our graduates don't do it, the millions of people who cannot access justice in this country will continue to soar."

The movement, primly called the consortium, started four years ago by CUNY, Northeastern University, the University of Maryland and St. Mary's Law School in Texas. (St. Mary's later dropped out.) Since then, it has drawn seven additional law schools to its ranks: the University of Michigan, Rutgers and Syracuse Law Schools, New York Law School, University of New Mexico School of Law, Thomas M. Cooley Law School and Touro Law School. It has elicited at least initial interest from 19 more. Mixing foundation money with their own to go beyond the standard curriculum, the schools are teaching the nuts and bolts of running a business, setting up client referral networks for fledgling practitioners and holding seminars to tackle the mundane challenges of going it alone that are often considered superfluous to the study of law.

As further encouragement for the 200 or so followers they have picked up already, the consortium schools have given their graduates Palm organizers, paid for companies to help with their billing, and offered free legal research and even yoga and meditation classes, almost anything to help make life a little easier for those trying to hang out their shingles.

"We're talking about training real community lawyers," said Stuart L. Deutsch, dean of the Rutgers School of Law in Newark. "The perception is that the solo practitioners are the ones who got C's, the second string who didn't excel enough to get to the big firms. We're trying to say that solo practice can be among the highest forms of public service, and is the only channel possible to serving low-income people."

True or not, there is little debate that most low-income clients, and many in the middle class, find lawyers well outside their financial reach. Even at the smallest of firms, the median hourly rate starts at roughly \$130 an hour and passes \$180, according to a 2002 survey by Altman Weil, a legal consulting company. For firms with more than 150 lawyers in tow, the range is from \$200 to more than \$320 an hour, the survey found, not counting the dinners, taxi rides and other extras that are often tacked onto the bill.

At those rates, perhaps it should come as no surprise that 71 percent of low-income people and 61 percent of moderate-income people with civil troubles end up without representation, according to the American Bar Association. For the truly poor, meaning they earn no more than \$11,075 a year, there are government-financed legal aid agencies to turn to, 172 in all, but these offices are so overwhelmed that only one in five people who qualify for help actually gets any.

By contrast, big law firms are slowly stepping up their commitment to free services, after 10 years of pulling back. Yet their lawyers still spend less than 42 hours a year doing pro bono work, far short of the profession's guidelines to perform at least 50 volunteer hours each year. Even during more charitable times, the bar association says, most of the free or less costly work is handled by small firms and solo practitioners, making them a natural target for the consortium's sights.

"A lot of students still go to law school because of their ideals, and they're willing to bite the bullet, drive old cars, not buy a home and keep living a student's life for a few more years until they get settled," said Lovely Dhillon, the former San Francisco assistant district attorney who heads the consortium. "It's incumbent on us to help them."

The consortium certainly has a lot to overcome, most notably the pull of big law firms. Twenty years ago, three times as many law school graduates went into solo or tiny practices as went to firms with more than 100 lawyers, according to the National Association for Law Placement. By last year, the two poles had flip-flopped, with the biggest firms attracting 30 percent more graduates than the smallest, and given the difference in pay it is not hard to see why.

Joining a firm with fewer than 10 lawyers means starting at \$43,000 a year, the association says. The bigger a practice gets, though, the higher its starting salaries climb, topping out around \$125,000 a year at the largest firms. Considering that law school tuitions have roughly doubled in the last decade, pushing the median student debt past \$84,000, it is understandable why some question how far the consortium can spread.

"It's a great idea, but the pressure of academic debt really leads people to big firms in big cities," said Theresa J. Bryant, executive director of the career development office at Yale Law School, which is not part of the consortium. "When you're standing \$90,000 in debt, going small may present a bit of a challenge."

Fair enough, the consortium says. Not all graduates will be able to scrounge for the years it may take to build a clientele, nor should they. But since as many as 30 percent to 40 percent of the graduates at schools like CUNY go into small or solo practices within a few years of graduating, the deans argue, it seems folly not to teach them how to stay afloat financially and take on low-income clients at the same time.

How do you advertise? How do you bill clients and, perhaps even trickier, get them to pay? How can you remain affordable and still pay your rent? What kind of office software will you need? How about malpractice insurance? Such are the sobering questions, rarely highbrow enough to find their way into legal pedagogy, that the consortium seeks to help their graduates tackle.

"Important as they are, these issues are low on the academic pecking order, and not what get most faculty recognized," said Deborah L. Rhode, former president of the Association of American Law Schools and a professor of law at Stanford University, also outside the consortium. "The truth is, legal education is partially responsible for the disconnect between what ordinary Americans need and what educated lawyers can supply."

Even for the most intrepid and socially conscious of graduates, starting a practice requires a giant leap of faith, and more than a little guesswork. Charging sliding-scale fees means coming up with a new wage for almost every case one takes, and seldom can practitioners rely on anything more solid than their own judgment.

"How much will we charge?" Tristan Da Cunha, one of the new graduates starting Cates, Katalinic & Lund asked with a shrug, furrowing his brow as if the question had never come up. "I think it's fair to say we'll be heavily discounted."